

11-23-01

Box Seq A

EXPRESS MAIL NO.: EL 491587213US
 ATTORNEY DOCKET NO. 01113.0001U3
 SERIAL NO. Unassigned
 PAGE 1 OF 3 (11/16/01)

CONTINUING APPLICATION TRANSMITTAL FORM
 (37 C.F.R. § 1.53(b))

ANTICIPATED CLASSIFICATION OF THIS
 APPLICATION:

PRIOR APPLICATION: 09/902,537

CLASS: SUBCLASS:

EXAMINER: Unassigned

ART UNIT: Unassigned

To the Commissioner for Patents:

This is a request for filing a continuation-in-part application under 37 C.F.R. § 1.53(b), of pending prior application Serial No. 09/902,537 filed on July 9, 2001 which claims priority to provisional patent application Serial No. 60/216,995, filed July 7, 2000, of ROBERT OLMSTED, PAULA KEITH, SERGEY DRYGA, IAN CALEY, MAUREEN MAUGHAN, ROBERT JOHNSTON, NANCY DAVIS and RONALD SWANSTROM for "ALPHAVIRUS VECTORS AND VIROSOMES WITH MODIFIED HIV GENES FOR USE AS VACCINES."

If any extension of time is necessary for the filing of this application, including any extension of time necessary in the prior application for maintaining copendency between the prior application and this application, and such extension has not otherwise been requested, Applicant hereby petitions for such an extension in the prior application.

1. Enclosed is a specification as prescribed by 35 U.S.C. § 112 containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and any drawing required by § 1.81(a).

2. The inventors of the invention being claimed in this application are:
 ROBERT OLMSTED, PAULA KEITH, SERGEY DRYGA, IAN CALEY, MAUREEN MAUGHAN, ROBERT JOHNSTON, NANCY DAVIS and RONALD SWANSTROM

3A. ☐ This application is a continuation or divisional application (not a continuation-in-part) that:

- (i) names as inventors the same or fewer than all of the inventors named in the prior application; and
- (ii) contains no matter that would have been new matter in the prior application; and
- (iii) a copy of the executed oath or declaration filed in the prior application, showing the signature or an indication thereon that it was signed:

☐ is enclosed.
☐ will follow.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.53(d)(4), the Commissioner is requested to delete the name(s) of the following persons who are not inventors of the invention being claimed in this application:

--OR--

3B. ☒ This application is a continuation-in-part application, or a continuation or divisional application naming an inventor not named in the prior application. A newly executed oath or declaration:

☐ is enclosed.
☒ will follow.

4. ☐ Amend the Title of the Invention as follows:

5. ☐ Amend the specification by inserting before the first line the sentence:

6.	<input type="checkbox"/>	Priority of foreign application number , filed on in is claimed under 35 U.S.C. § 119.																																			
	<input type="checkbox"/>	The certified copy has been filed in prior application Serial No. , filed on .																																			
7.	<input type="checkbox"/>	Cancel in this application original claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)																																			
8.	<input checked="" type="checkbox"/>	A hard copy of the Sequence Listing in the specification and a computer readable form of the Sequence Listing, in compliance with 37 C.F.R. § 1.821(e), are enclosed. Applicants certify that the content of the computer readable form of the sequence listing and of the Sequence Listing in the specification of the application as filed is the same.																																			
9.	<input type="checkbox"/>	New formal drawings are enclosed.																																			
10.	<input checked="" type="checkbox"/>	Also enclosed is: A copy of Response to Notice to File Missing Parts as filed in application Serial No. 09/902,537, showing payment of retention fee under 37 C.F.R. 1.21(1)																																			
11.	<input checked="" type="checkbox"/>	The prior application is assigned of record to: AlphaVax, Inc. and The University of North Carolina at Chapel Hill																																			
12.	<input checked="" type="checkbox"/>	Applicant claims small entity status. See 37 C.F.R. § 1.27.																																			
13.	The filing fee is calculated as follows:																																				
		<table border="1"><tr><td>TOTAL CLAIMS</td><td>75 - 20 =</td><td>55</td><td>x \$18.00</td><td>\$990.00</td></tr><tr><td>INDEPENDENT CLAIMS</td><td>12 - 3 =</td><td>9</td><td>x \$84.00</td><td>\$756.00</td></tr><tr><td colspan="3">MULTIPLE DEPENDENT CLAIM(S) (IF APPLICABLE) =</td><td>+ \$280.00</td><td>\$</td></tr><tr><td colspan="4">BASIC FEE =</td><td>\$740.00</td></tr><tr><td colspan="4">TOTAL OF ABOVE CALCULATIONS =</td><td>\$2486.00</td></tr><tr><td colspan="4">REDUCTION BY ½ FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. § 1.9, § 1.27, § 1.28)</td><td>\$1243.00</td></tr><tr><td colspan="4">TOTAL NATIONAL FEE =</td><td>\$1243.00</td></tr></table>	TOTAL CLAIMS	75 - 20 =	55	x \$18.00	\$990.00	INDEPENDENT CLAIMS	12 - 3 =	9	x \$84.00	\$756.00	MULTIPLE DEPENDENT CLAIM(S) (IF APPLICABLE) =			+ \$280.00	\$	BASIC FEE =				\$740.00	TOTAL OF ABOVE CALCULATIONS =				\$2486.00	REDUCTION BY ½ FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. § 1.9, § 1.27, § 1.28)				\$1243.00	TOTAL NATIONAL FEE =				\$1243.00
TOTAL CLAIMS	75 - 20 =	55	x \$18.00	\$990.00																																	
INDEPENDENT CLAIMS	12 - 3 =	9	x \$84.00	\$756.00																																	
MULTIPLE DEPENDENT CLAIM(S) (IF APPLICABLE) =			+ \$280.00	\$																																	
BASIC FEE =				\$740.00																																	
TOTAL OF ABOVE CALCULATIONS =				\$2486.00																																	
REDUCTION BY ½ FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. § 1.9, § 1.27, § 1.28)				\$1243.00																																	
TOTAL NATIONAL FEE =				\$1243.00																																	
14.	<input type="checkbox"/>	A check in the amount of \$ is enclosed.																																			

15. [X] The Power of Attorney in the prior application is to:



23859

PATENT TRADEMARK OFFICE

- a. [X] The Power of Attorney appears in the original papers in the prior application.
- b. [] Since the Power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. [X] Address all future correspondence to: (May only be completed by applicant, or attorney or agent of record.)

Mary L. Miller, Ph.D., Esq.
NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, GA 30303-1811

16. I hereby verify that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Mary L. Miller
REG. NO. 39,303

Mary L. Miller
SIGNATURE

November 16, 2001
DATE

- [] Inventor(s)
- [] Assignee of complete interest
- [X] Attorney or agent of record
- [] Filed under 37 C.F.R. § 1.34(a)
(Registration No. is acting under 37 C.F.R. § 1.34(a):

EXPRESS MAIL NO. EL 491587213US

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Invoice No. EL 491587213US in an envelope addressed to: BOX PATENT APPLICATION, Commissioner for Patents, Washington, D.C. 20231, on the date shown below.

Eric Calderon
Eric Calderon

11/16/01
DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
OLMSTED et al.) Group Art Unit: Unassigned
)
Serial No. 09/902,537)
)
Filed: July 9, 2001)
)
For: "ALPHAVIRUS VECTORS AND VIROSOMES)
WITH MODIFIED HIV GENES FOR USE IN)
VACCINES")

RESPONSE TO NOTICE TO FILE MISSING PARTS

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

November 16, 2001

Sir:

In response to the September 17, 2001 Notice to File Missing Parts of Nonprovisional
Application, enclosed are:

1. two (2) executed Declaration and Power of Attorney forms;
2. a check in the amount of \$195.00 (\$130.00 retention fee under 37 C.F.R. §
1.21(l) and \$65.00 surcharge fee); and
3. a copy of the Notice.

In particular, applicants include herewith the fee of \$130.00 under 37 C.F.R. § 1.21(l) for
processing and retaining an application abandoned pursuant to 37 C.F.R. § 1.53(f). Accordingly,

ATTORNEY DOCKET NO. 01113.0001U2
SERIAL NO. 09/902,537

applicants request that this application be maintained in support of any claim for priority under
35 U.S.C. §§ 120, 121 or 365(c).

No additional fee is believed due. However, the Commissioner is hereby authorized to
charge any deficiency or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

Mary L. Miller
Mary L. Miller
Registration No. 39,303

Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811
(404) 688-0770

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed
to: BOX MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231, on the date shown below.

Mary L. Miller
Mary L. Miller

November 16, 2001
Date